

\*\*E-Filed 5/17/2011\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

KEVIN RYAN, et al.,

Defendants.

Case Number 5:08-cv-04823-JF

ORDER GRANTING STAY OF  
APRIL 8, 2011 ORDER GRANTING  
PETITION FOR JUDICIAL  
APPROVAL OF LEVY

On April 8, 2011, the Court granted the United States' petition for judicial approval of a levy upon the principal residence of Defendants Kevin and Nancy Ryan ("the Ryans"). The Ryans have filed a motion for reconsideration, which is set for hearing on June 24, 2011, and they now seek a stay of the April 8 order pending disposition of the motion for reconsideration. The United States has not opposed the motion for stay, which was filed on May 6, 2011.

In their motion for reconsideration the Ryans claim that the Court deprived them of due process by restricting the evidence that they were permitted to present in connection with the petition. The motion also asserts that the Court failed to consider evidence that was presented, and based its ruling upon an erroneous understanding of the facts. Given the seriousness of the Ryans' claims, the irreparable injury that the Ryans will suffer if their home is sold pursuant to the levy, and the absence of significant prejudice to the United States if the Court stays its order

1 for six or eight weeks, the motion for stay will be granted. Nothing in this order shall be read as  
2 indicating the Court's view of the merits of the motion for reconsideration.

3 **ORDER**

4 The Order Granting Petition For Judicial Approval Of Levy issued April 8, 2011, is  
5 STAYED pending disposition of the Ryans' motion for reconsideration.

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7  
8 DATED: May 17, 2011

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JEREMY FOGEL  
United States District Judge